

**REMARKS**

The Final Office Action mailed March 19, 2009 and the references cited therein have been carefully considered. Claims 1-13 and 15-18 are now pending in the application. Claims 1, 5, 8-11, 13, 15 and 16 are hereby amended and Claims 19-21 are hereby newly added. The amendments to Claim 1 and 15 correspond to the description in the specification and/or shown in the drawings. In particular, support for the amendments to Claims 1 and 15 can be found at page 3, first paragraph and page 7, second full paragraph, as well as the drawings and more generally throughout the specification and claims. The additional amendments to Claims 1, 5, 8-11, 13, 15 and 16 are intended to maintain consistency with the amendments to Claims 1 and 15 mentioned above. Also, support for the amendments to Claim 5 can be found at page 6, second paragraph. Thus, no new matter has been added by the amendments herein. Applicants respectfully request entry of these amendments and specifically respond below to the issues raised in the subject Final Office Action.

**Claim Rejections under 35 USC § 112, Second Paragraph**

In the Office Action, Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, the Office Action indicates that the recitation of “harvesting means” is not clearly linked or associated with disclosed structure, material or act to the claim function. Accordingly, Applicants have amended Claim 5 to refer to the apparatus disposed adjacent to or next to the breeding surfaces. Such apparatus could include the path upon which

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people can walk and/or an arm or scraper for bringing feed onto the breeding elements and/or to harvest shellfish therefrom as disclosed in the specification (see page 6, second paragraph). Thus, Applicant respectfully requests entry of the above amendment to Claim 5 and that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

**Claim Rejections under 35 USC § 102(b)**

In the Office Action, Claims 1-5 and 6-8 are rejected under U.S. Patent No. 4,266,509 to Gollott et al. (**Gollott**). The Office Action contends that the Gollott patent discloses all the features of the rejected claims. Applicants respectfully traverse this rejection.

Gollott discloses a stationary frame-like structure for depurating shellfish. Applicants once again object to the characterization in the Office Action, with reference to Gollott, to the steel cables 48 as being “floating bodies.” It is clear from Applicants’ disclosure that the reference to “floating bodies” is synonymous with a buoyant object and/or device. Nonetheless, in order to expedite prosecution and render moot the Examiner’s interpretation of this term, Applicants have hereby amended the claims to replace the reference to “floating bodies” with “buoyant bodies.” Accordingly, the steel cables as disclosed by Gollott are clearly not buoyant bodies and cannot be reasonably interpreted as such.

It should be additionally noted that Gollott does not disclose breeding surfaces disposed between the buoyant bodies and/or ballast means as recited in the claims. As shown in Gollott, all of the breeding surfaces 44 are disposed below the cables 48 and anchor eyes 36. No portion of

these surfaces lies between the cables 48 or anchor eyes 36. Also, Gollot fails to disclose at least two mutually spaced apart (floating) buoyant bodies and/or ballast means, that are substantially cylinder-shaped and have a longitudinal axis extending substantially vertically. The cables 48 are not substantially cylinder-shaped. Also, although the cables 48 might be said to have a longitudinal extent, they do not have a longitudinal axis (which refers to a straight line across the main extent of a structure) as they hang from the buoy with a curvature. What is more, Gollott only discloses a single buoy 52 which has no means for changing buoyancy as would be performed by a ballast means and as more specifically recited in new Claim 19. Thus, Gollott fails to disclose all the elements of the claimed invention, as more particularly recited in independent Claims 1 and 15 and further recited in Claims 2-13 and 16-21.

Accordingly, applicants respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Gollott.

**Claim Rejections under 35 USC § 103(a)**

In the Office Action, Claims 9-11, 13 and 15-18 are rejected under U.S.C. 103(a) as being unpatentable over Gollott. Applicant respectfully traverses this rejection for the same reasons set forth above and for the further reasons set forth in the response to the March 5, 2008 Office Action filed for this mater. As discussed above, Gollott fails to teach or reasonably disclose all the elements of the claimed invention. Also, one of ordinary skill would find no reason to alter Gollott in order to arrive at the claimed invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) based on Gollott.

In the Office Action, Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gollott in view of U.S. Patent No. 6,044,798 to Foster et al. (**Foster**). Applicants respectfully traverse this rejection for the same reasons set forth above with regard to the rejections based on Gollott alone. Although Foster is cited for teaching a series of units used for aquaculture, it fails to teach the missing elements identified above. Including for example, the at least two mutually spaced apart buoyant bodies and/or ballast means and/or the breeding surfaces disposed between the buoyant bodies and/or ballast means. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) based on Gollott in view of Foster.

Applicants further submit that Claims 2-13 and 16-21, which ultimately depend from Claims 1 and 15 respectively are patentable over the art of record by virtue of their dependencies. Further, Applicants submit that Claims 2-13 and 16-21 define additional patentable subject matter in their own right. Therefore, it is respectfully submitted that Claims 2-13 and 16-21 also are in condition for allowance.

### **Conclusion**

Entry of the amendments herein and favorable consideration of Claims 1-13 and 15-21 are hereby solicited. In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

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If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicant's attorney at the telephone number provided.

Respectfully submitted,

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